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ABSTRACT

The Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act of 2001, provides benefits to private school students, teachers and other education personnel, including those in religiously affiliated schools. These services are considered to be assistance to students and teachers and not to private schools. The reauthorized ESEA requires the equitable participation of private school students, teachers and other education personnel in some of its major programs. This brochure provides explanations of some of the law's provisions and brief summaries of relevant ESEA programs. The following topics are discussed: equitable participation; consultation; programs in the No Child Left Behind Act requiring equitable participation; other opportunities for private schools; and further information. (Author/MA)

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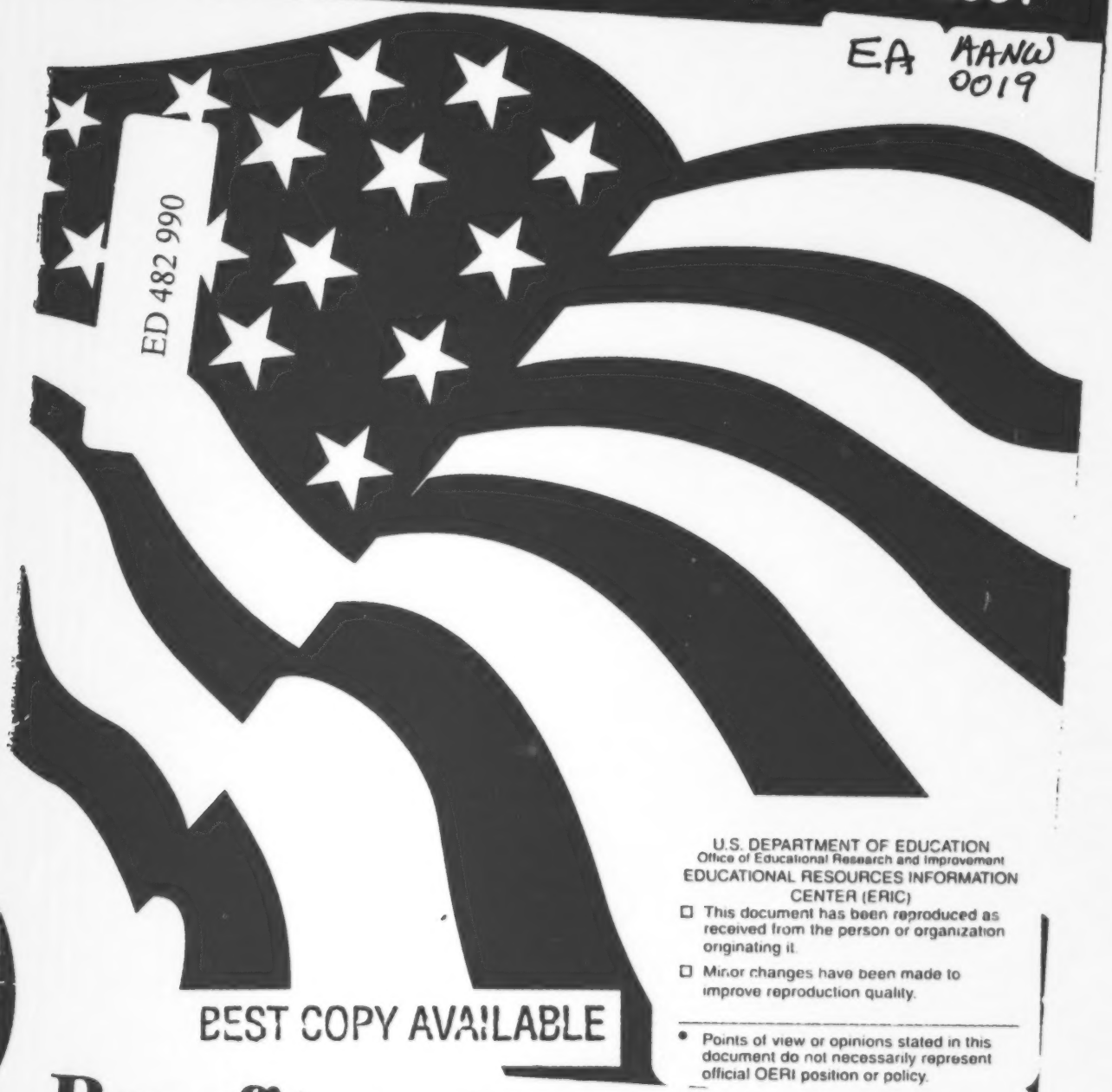

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Benefits to Private School Students and Teachers

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Office of Non-Public Education
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The No Child Left Behind Act of 2001

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U.S. Department of Education
Office of Innovation and Improvement
Office of Non-Public Education
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The No Child Left Behind Act of 2001

The Elementary and Secondary Education Act (ESEA), as reauthorized by the *No Child Left Behind Act of 2001*, provides benefits to private school students, teachers and other education personnel, including those in religiously affiliated schools. These services are considered to be assistance to students and teachers and not to private schools. The reauthorized ESEA requires the equitable participation of private school students, teachers and other education personnel in some of its major programs. Following are explanations of some of the law's provisions and brief summaries of relevant ESEA programs.

Equitable Participation

The participation of private school students, teachers and other education personnel in the ESEA programs providing services to this population is governed by the Uniform Provisions in Title IX of ESEA, sections 9501-9504. Three of these programs contain their own provisions for the equitable participation of private school students and teachers, which differ, in some respects, from the Uniform Provisions. These are: Title I, Part A, Improving the Academic Achievement of the Disadvantaged; Title V, Part A, Innovative Programs; and Title V, Part D, Subpart 6, Gifted and Talented Students.

Under the Uniform Provisions, local education agencies (LEAs) or other entities receiving federal financial assistance are required to provide services to eligible private school children, teachers and other personnel consistent with the number of eligible children enrolled in private elementary and secondary schools in the LEA, or in the geographic area served by another entity receiving federal financial assistance. These services and other benefits must be comparable to the services and other benefits provided to public school children and teachers participating in the program and they must be provided in a timely manner.

To ensure equitable participation, the LEA or other entity receiving federal financial assistance must assess, address and evaluate the needs of private school students and teachers; spend an equal amount of funds per student to provide services; provide private school students and teachers with an opportunity to participate in activities equivalent to the opportunity provided public school students and teachers; and offer services that are secular, neutral and non-ideological.

Consultation

The Uniform Provisions contain requirements for timely and meaningful consultation between appropriate public and private school officials. The goal of the consultation process is to design and implement a program that will provide equitable services and meet the needs of eligible private school students and/or teachers and other education personnel. Consultation between the entity receiving federal financial assistance and private school officials must occur before any decision is made that could affect the ability of private school students, teachers and other education personnel to receive benefits under ESEA and must continue throughout the implementation and assessment of activities. Consultation generally must include discussion on such issues as: how children's needs will be identified; what services will be offered; how and where the services will be provided; who will provide the services; how the services will be assessed and how the results of assessment will be used to improve those services; the amount of funds available for services; the size and scope of the services to be provided; and how and when decisions about the delivery of services will be made.

In addition, a thorough consideration of the views of private school officials on the provision of contract services through potential third-party providers must take place, and, where the entity receiving assistance disagrees with the views of the private

school officials on the provision of services through a contract, the entity must provide a written explanation of the reasons why the entity has chosen not to use a contractor.

Programs in the No Child Left Behind Act Requiring Equitable Participation

Title I: Improving the Academic Achievement of the Disadvantaged

Title I, Part A—Improving Basic Programs Operated by LEAs

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards, and who live in areas of high poverty. Instruction may take place during the school day, before or after school, or in the summer. Title I services may be provided on site at the private school, including religiously affiliated schools, or at other locations. Funds are generated on the basis of the number of children from low-income families who reside in participating public school attendance areas and attend private schools. Private school students who reside within a Title I attendance area and who are failing or most at risk of failing to meet high academic standards are eligible for services.

Services may include a targeted, assisted pullout model, supplementary instruction, direct instruction, computer-assisted instruction, tutoring, counseling, family literacy and early childhood programs. In addition, the law requires equitable participation of private school teachers of Title I students in professional development activities and of parents of Title I students in parent involvement activities. Title I is not governed by

the Uniform Provisions; it has its own requirements. Under Title I, LEAs are required to maintain a written affirmation signed by an official for each participating private school that the required consultation has occurred.

Title I, Part B—Reading First

Reading First provides funding to implement comprehensive reading instruction for children in kindergarten through third grade. Funds must be used for reading programs; instructional materials; professional development; administering screening, diagnostic and classroom-based reading assessments; collecting and reporting data; and promoting reading and library programs. Reading First is governed by the Uniform Provisions, and private school children in the areas served by public schools receiving Reading First funds are eligible for services.

Title I, Part B, Subpart 3—Even Start Family Literacy

Even Start Family Literacy provides funding to partnerships of LEAs and other public and private entities to support family literacy programs that integrate early childhood education, adult education, parenting education, and literacy activities for low-income families and their children from birth through age seven. The Even Start Family Literacy program is governed by the Uniform Provisions, and grant applicants are required to consult in a timely and meaningful manner with private schools in designing and implementing a program for school-aged students.

Title I, Part C—Migrant Education

Migrant Education provides financial assistance to improve education for migrant children. State education agencies (SEAs) provide services and activities either directly or through subgrants to local operating agencies (LOAs), which can be either an LEA or

a public or nonprofit private agency. The Migrant Education program is governed by the Uniform Provisions and requires the equitable participation of private school migrant students and their teachers, and other education personnel in schools located in targeted areas.

Title II: Preparing, Training and Recruiting High-Quality Teachers and Principals

Title II, Part A—Teacher and Principal Training and Recruiting Fund

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high-quality teachers. This program is governed by the Uniform Provisions, but the amount of funding available for services to private school personnel is governed by Section 9501 (b) (3), which requires equitable participation of private school teachers and other education personnel to the extent that the LEA uses its funds for professional development. For the purposes of determining the amount of program funds to be made available for services to private school teachers, the law "imputes" a minimum amount of program funds devoted to professional development as the total amount spent in fiscal year 2001 for professional development under the predecessor Eisenhower Professional Development Program and the Class Size Reduction Program. Activities may include improving teachers' knowledge in the core academic subjects and effective instructional teaching strategies; technology integration training; teaching students with different learning styles; using assessments to improve instruction and student outcomes; involving parents more effectively; and education leadership development.

Title II, Part B—Mathematics and Science Partnerships

The Mathematics and Science Partnerships program provides funds to improve mathematics and science teaching through a variety of activities. Partnerships must include an engineering, math or science department of an institution of higher education (IHE) and a high-need LEA. Private schools may be members of these partnerships. Activities include professional development; stipends and scholarships for advanced coursework in mathematics, science or engineering; and programs to bring math and science teachers into contact with working scientists, mathematicians and engineers. This program is administered jointly with the National Science Foundation. The Mathematics and Science Partnerships program is governed by the Uniform Provisions and requires the equitable participation of teachers who teach in private schools located in school districts where grants are awarded.

Title II, Part D—Enhancing Education Through Technology

The Enhancing Education Through Technology program provides funds for innovative initiatives to support the integration of education technology into classrooms to improve teaching and learning. Activities include professional development in technology integration and the use of the Internet; distance learning initiatives; acquiring education technology; and using technology to enhance parental involvement. This program is governed by the Uniform Provisions and requires the equitable participation of students and teachers in private schools located in school districts where grants are awarded.

Title III: Language Instruction for Limited English Proficient and Immigrant Students

Title III, Part A—English Language Acquisition, Language Enhancement and Academic Achievement

The English Language Acquisition, Language Enhancement and Academic Achievement program provides funds for helping limited English proficient (LEP) children attain English proficiency and meet the same challenging state academic standards as all children are expected to meet. Funds must be used for increasing the English proficiency of LEP children by providing high-quality language instruction and high-quality professional development. Private school students and teachers whose schools are located within an LEA that receives a subgrant from the state are eligible to participate in this program, as required by the Uniform Provisions.

Title IV: 21st Century Schools

Title IV, Part A—Safe and Drug-Free Schools and Communities

The Safe and Drug-Free Schools and Communities Act supports programs that foster a safe and drug-free learning environment. Authorized activities include drug, violence and suicide prevention programs; professional development and training; developing school security plans; conflict resolution, community service and character education programs; family involvement activities; counseling; mentoring; and emergency intervention services. The Uniform Provisions for the equitable participation of private school students apply to programs authorized under the Safe and Drug-Free Schools and Communities Act, including the competitive grant programs awarded directly by the Department.

Title IV, Part B—21st Century Community Learning Centers

The 21st Century Community Learning Centers (21st CCLC) program provides before-and after-school (including summer) services to children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet state and local student performance standards in core academic subjects. Activities may include remedial education, academic enrichment, art, music, tutoring, mentoring, recreation, technology, drug and violence prevention, counseling, character education and family literacy. The Uniform Provisions apply to the 21st CCLC program and require the equitable participation of private school students, teachers and other education personnel who are part of the target population.

Title V: Promoting Informed Parental Choice and Innovative Programs

Title V, Part A—Innovative Programs

Innovative Programs support education reform and innovative school improvement programs to improve school, student and teacher performance. Private school students, teachers and other education personnel may receive professional development, library materials, educational equipment, and repair and minor remodeling or construction of public facilities. Other activities may include community service programs; consumer education; purchase of computer hardware and software; programs to hire and support school nurses; school-based mental health services; programs for cardiopulmonary resuscitation training in schools; and parent and community involvement. The program has its own provisions for the equitable participation of private school students, teachers and other education personnel (section 5142).

Title V, Part D, Subpart 6—Gifted and Talented Students

The Gifted and Talented Students program provides funding for demonstration projects in activities designed to enhance the ability of schools to meet the special education needs of gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities). Activities include training of personnel in the education of gifted and talented students and, where appropriate, in the use of gifted and talented services, materials and methods for all students. The program has its own provisions for the equitable participation of private school students, teachers and other education personnel. They require the secretary to ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private schools, including the participation of teachers and other personnel in professional development programs serving such students.

Title VI: Flexibility and Accountability

The Flexibility and Accountability authorities in Title VI provide options for SEAs and LEAs to transfer a portion of program funds from a designated program to other specified programs that better address their needs. Each of the programs covered by the transferability authority is subject to the equitable participation requirements. The law requires SEAs and LEAs to conduct consultations with private school officials prior to making any decision regarding the transfer of funds that could affect the ability of private school students and teachers from benefiting from programs for which they are eligible. The SEA or LEA must also provide equitable services to private school students and teachers from the overall funds available for a program, including the transferred funds. An SEA or LEA may not transfer funds to a particular program solely to provide services for private school students and/or teachers. Rather, private school students and teachers will receive equitable services from the SEA/LEA under the programs to which the funds are transferred.

Other Opportunities for Private Schools

This brochure discusses primarily statutory provisions that require equitable services to private school students and teachers under the Elementary and Secondary Education Act as reauthorized by the *No Child Left Behind Act*. Private schools may also wish to learn about Department of Education programs that allow private schools to receive funds in return for providing certain services.

Supplemental Services

Title I allows community and other public and private institutions, including faith-based organizations and private schools, to be providers of supplemental educational services (such as after-school tutoring or academic summer camps) for eligible students attending public schools that are in need of improvement, as long as the provider is able to meet certain qualifications set by each SEA in accordance with the Act. Private schools interested in becoming supplemental service providers would apply to their SEA. For information on this provision, please visit the Office of Innovation and Improvement Web site at http://www.ed.gov/about/offices/list/oii/index.html?src=mr.

Grants

Faith-based and community organizations are currently eligible to apply for some programs under certain programs funded by the U.S. Department of Education. In such cases, private schools (including religious ones) are eligible to apply, provided they meet the program requirements and all the statutory and regulatory requirements. These programs generally have a specific focus, however, and address specific needs and concerns. If a private school is awarded such a grant, the private school then becomes a recipient of federal financial assistance and is subject to the laws and regulations that apply to recipients of federal financial assistance. This is a factor for private schools to consider prior to applying for a grant.

The programs listed below are some of those that provide for eligibility for community-based organizations and nonprofit organizations. To the extent that a private school meets the eligibility definition, the program requirements, and all the statutory and regulatory requirements, it could apply directly for grant funds. Not all of these grants would be of interest to private schools. Information about these programs is available from the Center for Faith-Based and Community Initiatives Web site at http://www.ed.gov/faithandcommunity. Such information is also available on individual program Web sites:

Adult Education and Family Literacy State Grants*
http://www.ed.gov/fund/grant/find/AdultEd/f-ogrant.html
Carol M. White Physical Education Program
http://www.ed.gov/programs/whitephysed/index.html
Community Technology Centers
http://www.ed.gov/fund/grant/apply/AdultEd/CTC/index.html
Early Reading First
http://www.ed.gov/programs/earlyreading/index.html
Even Start Family Literacy Program*
http://www.ed.gov/programs/evenstartformula/index.html
Migrant Education — Even Start
http://www.ed.gov/programs/mees/index.html
Parental Information and Resource Centers
http://www.ed.gov/programs/pirc/index.html
Safe and Drug-Free Schools — Mentoring Programs
http://www.ed.gov/programs/dvpmentoring/index.html
21st Century Community Learning Centers
http://www.ed.gov/programs/21stcclc/index.html
Upward Bound
http://www.ed.gov/programs/trioupbound/index.html

* These programs award formula grants to states, which, in turn, award competitive grants to eligible entities. Information about the agency that administers the Adult Education and Family Literacy State Grants program in your state may be found at: http://www.ed.gov/about/offices/list/ovae/resource/edlite-statelink.html.

Further Information

For additional information on the *No Child Left Behind Act* of 2001, other federal programs affecting private schools, private school statistics, publications, Internet links to the private school community and other resources, contact the Office of Non-Public Education at

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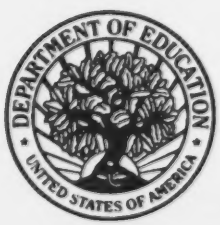
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